



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,569	12/29/1999	ROLAND LAMER	70191/239	2393

7590 12/03/2003

FOLEY & LARDNER
FIRSTAR CENTER
777 EAST WISCONSIN AVENUE
MILWAUKEE, WI 532025367

EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 12/03/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/474,569

Applicant(s)

ROLAND LAMER

Examiner

Mylinh T Tran

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 09/08/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Applicant's Amendment filed 09/08/03 has been entered and carefully considered. Claims 14 and 23 have been amended. However, limitations of amended claims have not been found to be patentable over prior art of record, therefore, claims 1-35 are rejected under the same ground of rejection as set forth in the Office Action mailed (06/06/03).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1, 5, 9, 10, 14, 20, 21, 23, 29, 30 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Evans [US. 5,924,074].

As to claim 1, 14, 23 and 32, Evans discloses a display unit (figure 1, (140)); a first application (figure 8, (180), column 7, lines 27-40) configured to display patient images (figure 8, (182) for a patient on the display unit (figure 8, (185)) and generated a patient context for the patient using the first application; a second application (figure 8, (185) wherein the first application

Art Unit: 2174

is configured to provide the patient context to the second application, and the second application is configured to display patient data on the display unit based on the patient context (column 7, lines 27-40); and a workstation coupled to the display unit and configured to operate both the first application and the second application that reside on the workstation ((figure 8), column 7, lines 5-64).

As to claims 5, 20 and 29, Evans also teaches the second application is selected from the group consisting of a case signout application, a report entry application, an order detailing application, and an order viewer application (column 10, line 59 through column 11, line 9).

As to claims 9, 10, 21 and 30, Evans demonstrates the first application generating the patient context in response to user input at the input unit and the input unit is selected from the group consisting of a mouse, a voice recognition system, a keystroke, a switch, and a light pen (column 6, line 55 through column 7, line 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 18-19, 27-28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans [US. 5,924,074] in view Rock et al. [US. 6,032,120].

As to claims 2 and 33, the difference between Evans and the claim is retrieving patient image data from a picture archival and communication system (PACS). Rock et al. discloses the first application is configured to retrieve patient image data from a picture archival and communication system (PACS) (Wong, figure 1, (26), column 7, lines 28-37). It would have been obvious to one of ordinary skill in the art, having the teachings of Evans and Rock et al. before at the time the invention was made to modify the patient data information system taught by Evans to include medical imaging devices of Rock et al., in order to distribute medical images from one or more existing storage systems to a plurality of network attached client workstations as taught by Rock et al.

As to claims 18 and 27, while Evans teaches the first and second application displaying patient images, Rock et al. shows the step of providing includes generating an event based on the patient context and providing the event to the second application (column 1, lines 47-67).

As to claims 19 and 28, while Evans teaches the first and second application displaying patient images, Rock et al. also shows converting the event from a first object model to a second object model and providing the converted event to the second application (column 4, lines 25-41).

Claims 3, 6-8, 11-13, 15-17, 22, 24-26, 31, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans in view of Rock et al. [US. 6,032,120] and further in view of Wong et al. [US. 6,260,021 B1].

As to claims 3, 16, 25 and 34, while Evans shows the second application being configured to retrieve patient textual data, Wong teaches a radiology, information system (RIS), (figure 1, (18), column 8, lines 10-30).

As to claim 6, Evans and Rock et al. do not show a second workstation coupled to the workstation, the second workstation configured to operate the second application. Wong shows the limitation at column 3, lines 42-60. It would have been obvious to one of ordinary skill in the art, having the teachings of Evans and Rock et al. before them at the time the invention was made to modify the patient data information system taught by Rock et al. to include the multiple workstations of Wong et al., in order to enable more than one user to access the system as taught by Wong et al.

As to claims 7, 8 and 35, Evans in view of Rock and Wong shows the second application is coupled to the first application via an object request broker and further comprising a bridge coupled between the second application and the object request broker, wherein the second application communicates via the component object model (COM) (column 6, lines 35-55 and column 7, lines 38-57)

Art Unit: 2174

As to claims 11, 17 and 26, Evans and Rock et al. do not show the patient context includes patient identification data, Wong shows the limitation at column 11, lines 58-65. It would have been obvious to one of ordinary skill in the art, having the teachings of Evans and Rock et al. before them at the time the invention was made to modify the patient data information system taught by Rock et al. to include patient context of Wong et al., for the purpose to enhance the management system as taught by Wong et al.

As to claim 12, Wong et al. discloses the patient context includes user identification data (column 13, lines 10-16).

As to claims 13, 22 and 31, Wong et al. also discloses the patient data includes patient examination information (column 10, lines 47-65).

As to claims 15 and 24, Wong et al. teaches retrieving the first set of patient data from an image database (column 12, line 65 through column 13, line 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans [US. 5,924,074].

As to claim 4, although Evans disclose a display unit, it does not explicitly mention the display unit including a monitor having at least a resolution of at

Art Unit: 2174

least 90 dpi. It is notoriously well known in the state of the art that every monitor has at least 90 dpi. The examiner takes OFFICIAL NOTICE of this teaching. It would have been obvious to one of ordinary skill in the art, having the teachings of Evans before him, to modify "the display unit" of Evans to be "a the display unit including a monitor having at least a resolution of at least 90 dpi", as made known in the state of the art.

Response to Arguments

Regarding claims 1, 14, 23 and 32, Applicant has argued Evans does not teach "a first application configured to display patient data such as patient images, to generate a patient context and to provide the patient context to a second application configured to retrieve and display patient data based on the patient context". However, the Examiner does not agree. Evans shows the first application (figure 8, (180), column 7, lines 27-40) configured to display patient images (figure 8, (182) for a patient on the display unit (figure 8, (185)) and generated a patient context for the patient using the first application; a second application (figure 8, (185)) wherein the first application is configured to provide the patient context to the second application, and the second application is configured to display patient data on the display unit based on the patient context (column 7, lines 27-40); In figure 8, user selects one of the list of patient data of the first window (application) 180, patient data is retrieved and displayed on the second window (application) 185.

The specification described the patient context including the patient identification data such as name, address, age, social security number....

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. However, the patient context includes the patient identification data such as name, address, personal information is taught by Evans at figure 3, column 5, line 55 through column 6, line 10.

It is clear the reference discloses "a first application configured to display patient data such as patient images, to generate a patient context and to provide the patient context to a second application configured to retrieve and display patient data based on the patient context" at the above cited paragraphs.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.

Art Unit: 2174

In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response, (703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications

Art Unit: 2174

where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

Art Unit 2174

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100